

REMARKS

Claims 1, 2 and 6 have been amended. Claims 8-11 have been cancelled without prejudice. Applicant respectfully submits that no new matter has been added. Reconsideration is respectfully requested in view of the following remarks.

Claims 1-7 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement.

Claims 1-2, 3, 5 and 7 stand rejected under 35 U.S.C. §103, as being unpatentable over U.S. Patent 5,402,104 to LaRosa (LaRosa) in view of U.S. Patent 5,640,144 to Russo et al. (Russo).

Claim 4 stands rejected under 35 U.S.C. §103, as being unpatentable over LaRosa in view of Russo and further in view of U.S. Patent 5,115,893 to Terkildsen (Terkildsen).

Claim 6 stands rejected under 35 U.S.C. §103, as being unpatentable over LaRosa in view of Russo and further in view of U.S. Patent 5,963,131 to D'Angelo (D'Angelo).

Claims 8-11 stand rejected under 35 U.S.C. §103, as being unpatentable over LaRosa in view of D'Angelo.

The Examiner objected to claims 2, 6 and 11 due to some minor informalities. Claims 2, 6 and 11 have been amended to address the Examiner's comments and now obviate this objection. Withdrawal is respectfully requested.

Section 112 Rejection

Claims 1-7 stand rejected under § 112, first paragraph, as failing to comply with the enablement requirement. The Office Action states that the phrase "continuously monitoring the strength of signals" is new matter because it was not described in the specification. Applicant has amended claims 1-2 in

order to address the Examiner's comments. Amended claims 1-2 now obviate this rejection; therefore, withdrawal of the rejection is respectfully requested.

Section 103 Rejections

LaRosa and Russo

Claims 1, 2, 3, 5 and 7 stand rejected based upon the combination of LaRosa and Russo. The Office Action states that LaRosa discloses all of the elements of claims 1 and 2, but fails to explicitly disclose that the signal processor continuously monitors the strength of the signals. The Office Action cites to Russo for continuously monitoring of the strength of signals.

LaRosa relates to an asset protection alarm where small automatic transmitter/receivers can be attached to any object or person of interest, so that an accessory transponder-pager, worn or carried by a user, will report when the object or person is separated by a distance greater than some predefined distance.

Russo relates to an alarm system for preventing loss or theft of wallets or other valuable personal articles as well as in the surveillance of items. The Russo system includes a central monitoring unit equipped with an ultrasonic receiver and RF transmitter that periodically interrogates the protection devices attached to or incorporated into each of the articles to be protected.

To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." In re Wilson, 424 F.2d 1382, 1385, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

As noted above Applicant has amended the continuously monitoring feature to now recite "monitoring the signal", accordingly the aspect that the Examiner stated as being disclosed in Russo, is no longer included in the amended claims. The amended claims 1 and 2, however, recite the transmission of either digital or analog signals. The combination of LaRosa and

Russo fails to teach or suggest this recited feature of claims 1 and 2. LaRosa merely discusses the capability to select and control the frequencies of signals transmitted by the transponder 30. LaRosa does not explicitly nor implicitly suggest the capability to use either a digital or analog signaling scheme as recited in claims 1 and 2. Russo does not cure this deficiency, lack of disclosure of digital or analog signal transmission. Russo merely teaches the use of RF signals within a particular frequency range, but fails to teach or suggest the alternative use of digital or analog signaling as recited in claims 1 and 2.

Accordingly, LaRosa and Russo, either in combination or alone, simply do not disclose each feature of amended claims 1-2, and thus the combination of LaRosa and Russo cannot support this obviousness rejection. Withdrawal of this rejection is, therefore, respectfully requested.

LaRosa, Russo and Terkildsen

Claim 4 stands rejected based upon the combination of LaRosa, Russo and Terkildsen. The Office Action states that LaRosa and Russo disclose all of the elements of claim 3, but fails to explicitly disclose that the small portable item is an ink pen, tie pin or hair pin as recited in claim 4. The Office Action cites to Terkildsen for disclosing a small portable item specifically an ink pen.

As stated above, LaRosa and Russo, either in combination or alone, fail to teach or suggest the capability to use either a digital or analog signaling scheme as recited in claims 1 and 2. Terkildsen merely relates to a briefcase structured to serve as a convenient portable writing desk. Terkildsen clearly does not cure the deficiencies associated with LaRosa and Russo. Terkildsen specifically does not teach or suggest a digital or analog signaling scheme as recited in claims 1 and 2. Accordingly, LaRosa, Russo and Terkildsen, either in combination or alone, simply do not disclose each feature of amended claims 1-2, and thus the combination of LaRosa, Russo and Terkildsen cannot support this obviousness rejection. Withdrawal of this rejection is, therefore, respectfully requested.

LaRosa, Russo and D'Angelo

Claim 6 stands rejected based upon the combination of LaRosa, Russo and D'Angelo. The Office Action states that LaRosa and Russo disclose all of the elements of claim 1, but fails to explicitly disclose that the circuit arrangement includes a microprocessor and a memory arrangement as recited in claim 6. The Office Action cites to D'Angelo for disclosing a circuit arrangement that includes a microprocessor and a memory arrangement.

As stated above, LaRosa and Russo, either in combination or alone, fail to teach or suggest the capability to use either a digital or analog signaling scheme as recited in claims 1 and 2. D'Angelo relates to a motion sensitive anti-theft system with a choice of alarm functions. D'Angelo, however, fails to teach or suggest the use of either a digital or analog signaling scheme as recited in claims 1 and 2. D'Angelo clearly does not cure the deficiencies associated with LaRosa and Russo. D'Angelo specifically does not teach or suggest a digital or analog signaling scheme as recited in claims 1 and 2. Accordingly, LaRosa, Russo and D'Angelo, either in combination or alone, simply do not disclose each feature of amended claims 1-2, and thus the combination of LaRosa, Russo and D'Angelo cannot support this obviousness rejection. Withdrawal of this rejection is, therefore, respectfully requested.

CONCLUSION

Based upon the foregoing amendment and remarks, Applicant respectfully submits that the pending claims are now in condition for allowance. Prompt allowance of all pending claims is therefore requested

In the event the examiner wishes to discuss any aspect of this response, please contact the attorney at the telephone number identified below.

Respectfully submitted,

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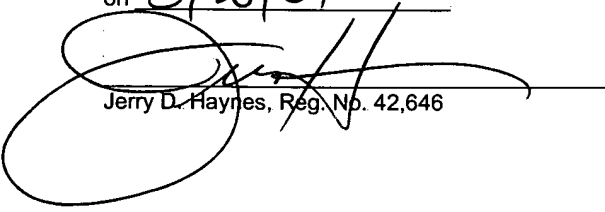
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